

OFFICIAL INFORMATIONCONFIDENTIAL**EVIDENCE CODE SECTION 1040
INTRADEPARTMENTAL CORRESPONDENCE**

DATE: January 24, 2020
TO: Honorable Board of Police Commissioners
FROM: Inspector General
SUBJECT: LAW ENFORCEMENT-RELATED INJURY 007-19 FOR 2/4/20 CLOSED-SESSION AGENDA

<u>Division</u>	<u>Date</u>	<u>Time</u>	<u>Duty-On (X) Off ()</u>	<u>Uniform-Yes (X) No ()</u>
Hollenbeck	3/13/19	4:49 p.m.		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Smith, K./PO II	6 years, 5 months
Sweet, R./PO II	4 years

<u>Total Involved Officer(s)</u>
2 x PO II

<u>Suspect(s)</u>	<u>Deceased ()</u>	<u>Wounded (X)</u>	<u>Non-Hit ()</u>
Thomas Ethan Castillo: Hispanic Male, 16 years of age.		X	

COP Recommendations

Tactics – Tactical Debrief, Officers Smith and Sweet.

Drawing and Exhibiting – In Policy, No Further Action, Officer Smith.

Non-Lethal Use of Force – In Policy, No Further Action, Officers Smith and Sweet.

IG Recommendations

Tactics – Same as COP.

Drawing and Exhibiting – Same as COP.

Non-Lethal Use of Force – Same as COP.

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INVESTIGATION

Synopsis:

On Wednesday, March 13, 2019, Hollenbeck Area Gang Enforcement Detail (GED) officers went in foot pursuit of a man with a possible gun. As the subject attempted to scale a metal fence the officers pulled him down onto the ground, injuring his hand in the process. The subject was hospitalized because of injuries sustained from the Use of Force.

Annotated Force Investigation Division (FID) Incident Summary¹

On Wednesday, March 13, 2019, at approximately 1650 hours, Hollenbeck Area GED uniformed Police Officers II Ronald Sweet, Serial No. 42017 (driver), and Keoni Smith, Serial No. 41231, Unit 4G9 W7, were conducting crime suppression in the area of 1st Street and Soto Street.² The officers were in a marked black and white hybrid Ford Taurus Police Interceptor equipped with a Digital In-Car Video System (DICVS) and ballistic door panels, Shop No. 81856.³

Officers Sweet and Smith had worked together approximately four months. Prior to this incident, they discussed tactics including contact and cover roles, foot pursuit containment versus apprehension modes, partner separation and broadcasting responsibilities, and responses to various radio calls, such as shootings and robberies.

Officers Sweet and Smith were driving south on Soto Street and conducted a right turn to west 1st Street when they looked south towards the Metropolitan Transportation Authority (MTA) Gold Line Train Station Platform, which was located at the southwest corner of the 1st Street and Soto Street intersection. According to Officers Sweet and Smith, through past experiences and daily interactions with the public, they were aware that the MTA Gold Line Train Station Platform and surrounding neighborhood had experienced numerous shootings, robberies, vandalism, gang activity and a recent homicide (Investigators' Note No. 1 and Addendum No. 1).

As they continued west on 1st Street, both officers observed three individuals—one male (Subject Thomas Castillo) and two females (unidentified)—who were congregating at

¹ The Incident Summary presented here is reproduced from FID's report regarding this case, and is supplemented with annotations by the OIG. All OIG annotations are referenced as an "OIG Note." All other references and citations in the reproduced FID Incident Summary (e.g., Investigators' Notes or Addenda Items) are reproduced directly from FID's report. Unless otherwise stated, all information provided in OIG annotations is derived from FID's investigation of this incident.

² Officer Sweet, 4 years with the Department, 28 years of age, 6 feet tall, 210 pounds. Officer Smith, 6 years, 5 months with the Department, 28 years of age, 6 feet, 3 inches tall, 180 pounds.

³ Officers Sweet and Smith were wearing their ballistic vests and had their Department approved handguns, a pair of handcuffs, a canister of Oleoresin Capsicum (OC) spray, a Model X26P TASER, a Hobble Restraint Device (HRD), and ASP Baton attached to their Sam Browne equipment belts. Both officers were equipped with Body Worn Video (BWV) cameras.

the concrete benches and planter located at the rear southwest corner of the Platform. According to Officer Sweet, the three individuals were sitting on a concrete wall near a clearly posted sign, which displayed "loitering" as one of numerous prohibited actions on the premises. Due to the recent gang and criminal activity in the area, the officers decided to approach the individuals. According to Officer Smith, their intent was to detain the individuals for loitering (41.18 of the Los Angeles Municipal Code (LAMC)), check their identification cards, and then advise them that loitering was not permitted on the Platform.

Prior to Officers Sweet and Smith arriving, MTA security guards, Witnesses Eduardo Gonzalez and Albert Padilla, were patrolling the Gold Line Platform. According to Witness Padilla, their duties included patrolling the MTA

Stations to prevent loitering and the destruction of property, while also ensuring patron safety. The security guards were watching Castillo and the other individuals for approximately ten minutes. They were standing near the escalators located at the entrance to the subway, approximately 120 feet northeast of the group.

According to Witness Padilla, he had an unobstructed view and observed Castillo and three other individuals loitering and drinking an unknown-type beverage from inside a black plastic bag. The group was sitting on the concrete benches directly behind the aforementioned prohibited actions sign. Witness Padilla planned on advising the group that they were loitering and then instruct them to leave; however, his primary goal was to first identify whether they were drinking an alcoholic beverage out of the black bag. Witnesses Gonzalez and Padilla continued to monitor Castillo and the other individuals when they observed Officers Sweet and Smith drive on the MTA Gold Line Platform.

Note: According to Witness Gonzalez, he was not sure if Castillo and the other individuals were loitering because they were not loud, and it is normal for people to sit on the benches for several minutes. However, he



Photograph from D0787946: Prohibited actions sign

could not discern if they were drinking an alcoholic beverage, which he believed would constitute a prohibited action.



Photograph from D0787946: Prohibited actions sign just north of concrete benches

Officer Smith told his partner, "Hey, let's go talk to that group over there."⁴ Officer Sweet then turned south, across 1st Street, and into the north/south alley driveway located near the northwest corner of the Gold Line Station. During this turn, the officers momentarily lost sight of Castillo. They then drove in a southeast direction onto the platform and toward the individuals when they observed that Castillo had moved beyond the concrete benches and into the planter. According to Officer Sweet, Castillo stood in the bushes with his back to the officers. He looked back toward the officers and then began running in a southwest direction into the north/south alley just west of the Platform.

According to Officer Smith, Castillo fled with his right hand holding onto his waistband. Officer Smith believed Castillo's hand placement was consistent with carrying a weapon or contraband, "I didn't know if it was a knife or if it was a spray can or if it was – if it was

⁴ Smith Page 18, Line 15.

*a gun.*⁵ Officer Smith communicated to his partner, “*He’s running through the bushes.*⁶” He then exited from the police vehicle and chased after Castillo. Simultaneously, Officer Sweet stopped the police vehicle on the platform approximately 50 feet north of Castillo’s original location, removed the keys from the ignition and ran behind Officer Smith.

According to Officer Smith, he used his handheld radio and broadcast, “*Show me in foot pursuit, 415 man with a gun . . . north/south alley west of Soto, south of 1st.*⁷” While in foot pursuit, Officer Smith ordered Castillo to “*stop*⁸” and “*get on the ground*⁹” approximately two to three times. Castillo reached the south-end of the alley and climbed onto a west-facing metal gate of 129 North Soto Street, a residential property.

Note: Officer Smith’s foot pursuit broadcast was not completely transmitted. Audio of the radio transmission provided by Communications Division (CD) only captured, “*northbound alley south of 1st Street, west of Soto.*”

Despite being the lead officer in the foot pursuit, Officer Smith made the radio broadcast. According to Officer Smith, he made the initial broadcast because he knew his partner was pre-occupied with securing the vehicle. According to Officer Sweet, he maintained constant line of sight with Officer Smith during the foot pursuit and observed his partner making the broadcast.

OIG Note No. 1: When asked by FID investigators whether he was in apprehension mode or containment mode, Officer Smith stated, “I was in apprehension mode, because I didn’t see a firearm or anything like that.”¹⁰

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⁵ Smith Page 20, Line 24 through Page 21, Line 1.

⁶ Smith Page 22, Line 13.

⁷ Smith Page 22, Line 24 through Page 23, Line 2.

⁸ Smith Page 25, Line 11.

⁹ Smith Page 25, Line 12.

¹⁰ Smith, Page 29, Lines 7-13.



Screenshot from Officer Smith's BWV: Castillo reaches toward waistband

According to Officer Smith, when he was approximately 20-40 feet from Castillo, who was attempting to climb the metal gate, he observed Castillo reach toward his waistband with his right hand. Believing that Castillo was armed, Officer Smith placed his handheld radio in its carrier and simultaneously unholstered his firearm with a right, one-handed grip. Officer Smith then gave Castillo additional commands to “*get off the fence and put his hands behind his back.*”¹¹ According to Officer Smith, Castillo did not comply with the commands, instead, he moved his hand away from his waistband, or the area of potential weapon concealment, and grabbed the top of the gate. Castillo hoisted himself onto the gate and lifted his chest and shoulders over the top.¹² Concerned that Castillo could escape into one of the adjoining residences and expose the public to a potentially armed subject, Officer Smith holstered his firearm and decided to physically prevent Castillo from climbing over the gate.

Note: According to Officer Smith, he simultaneously placed his handheld radio in its carrier while unholstering his firearm. Officer Smith’s BWV displays him carrying both his handheld radio and firearm in his left and right hands, respectively. Officer Smith’s BWV also displays him still holding the handheld radio in his left hand while engaging Castillo.

¹¹ Smith Page 27, Lines 7-8.

¹² Gleaned from Officer Smith’s BWV at 1649:09 hours.



**Screenshot from Officer Smith's BWV: BWV camera falling to the ground
Photograph from D0787871: Dirt mark on Officer Smith's chest**

At 1649:13 hours, Officer Smith positioned his chest to Castillo's backside. He placed his left and right hands across Castillo's left and right hips, respectively. According to Officer Smith, he immediately felt the grooved-handle of an unknown weapon protruding from Castillo's right waistband. Officer Smith gripped onto the handle with his right hand from outside Castillo's sweatshirt. According to Officer Smith, as he grabbed the handle, Castillo thrusted his left foot into Officer Smith's sternum in a downward kicking motion. The force of the kick dislodged Officer Smith's BWV camera from his chest. The BWV camera landed on the ground with the lens facing the pavement.¹³ According to Officer Smith, Castillo kicked him approximately two more times in a similar manner. One of the kicks grazed off his chest and knocked the handheld radio from his left hand. Officer Smith re-gripped his hands around Castillo's waist and pulled him down each time Castillo attempted to lift himself over the gate.

Note: According to Castillo, he did not kick Officer Smith. However, Castillo acknowledged that his feet made contact with an officer as he attempted to climb the gate, "*I kind of lost balance . . . I felt like my feet were on some shit – like on him. Like I thought I was on his shoulders . . . like trying to still pull myself up, and he pulled me down.*"¹⁴

[Space intentionally left blank.]

¹³ Gleaned from Officer Smith's BWV at 1649:13 hours.

¹⁴ Castillo Page 11, Lines 20-24.



Screenshot from Officer Sweet's BWV: Castillo's left hand on corrugated metal fence

Castillo continued his attempt to climb over the gate while Officer Smith pulled at his waist and legs. Castillo then reached up with his left hand and grasped the top of a white corrugated metal fence, which stood approximately eight feet tall, just perpendicular to the gate. At 1649:20 hours, Officer Sweet reached his partner and assisted with taking Castillo into custody. According to Officer Sweet, Castillo was attempting to climb over the gate while Officer Smith was preventing the climbing motion by holding him around the waist. Officer Sweet gave Castillo several commands to, "let go."¹⁵ Castillo did not respond.

Note: Approximately seven seconds elapsed from the time Officer Smith first made physical contact with Castillo to when Officer Sweet arrived to assist. Officer Sweet was approximately 100 feet behind Officer Smith when Castillo was first engaged. According to Officer Sweet, his partner was within his line of sight and he could have immediately rendered aid to him if necessary.

OIG Note No. 2: *Officer Smith was visible in Officer Sweet's BWV footage for much of the foot pursuit. The OIG noted, however, a period of approximately four seconds during the pursuit when Officer Smith seemed to be out of the view of Officer Sweet's BWV device.*

¹⁵ Sweet Page 27, Line 6.

Officer Sweet used both of his hands and applied a firm grip around Castillo's left calf area. According to Officer Smith, once he observed Officer Sweet control Castillo's left leg, he then transitioned his left hand over to Castillo's right leg near the knee. Officer Smith still maintained his right-handed grip on the unknown weapon handle near Castillo's right waistband. The officers simultaneously pulled Castillo in a downward motion, causing his outer shorts to fall to his ankles. Officer Sweet then transitioned his hands and applied a firm grip along Castillo's left ankle. Officer Sweet communicated with his partner, "I got him" and the officers pulled in one concerted motion, successfully removing Castillo from the gate.¹⁶

Note: Castillo described the events that led to him being removed from the gate, "*He [one of the officers] said, 'Let go,' but I kept trying to go over the wall . . . When we were struggling with each other, he pulled me hard and I was like fuck. That shit just ripped my hands off the gate.*"¹⁷



Screenshot from Officer Sweet's BWV: Machete along Castillo's waistband

Officers Sweet and Smith held onto Castillo's left ankle and waist, respectively, as he fell to the ground. Castillo landed on his buttocks and was immediately rolled onto his stomach. Officer Sweet placed a right-hand grip on Castillo's right wrist and guided Castillo's arm to his lower back. He then used his bodyweight placing his left knee on the back of Castillo's right thigh. Officer Smith used his body weight by placing his left knee on Castillo's upper back. Officer Smith then used a right-hand grip to move

¹⁶ Sweet Page 30, Line 5.

¹⁷ Castillo Page 14, Line 25 through Page 15, Line 6.

Castillo's left hand from underneath his body to behind his lower back. Officer Smith maintained control of Castillo's left hand while Officer Sweet controlled Castillo's right hand. Officer Sweet handcuffed Castillo's right wrist and then coordinated with Officer Smith to handcuff Castillo's left wrist, completing the handcuffing process.¹⁸

At 1649:46 hours, Officer Sweet broadcast, "Four George Nine you can show Code-4, suspect in custody. We're in the north/south alley, south of First, we're going to be west of Soto."¹⁹ During this time, Officer Smith recovered his handheld radio and BWV camera from the ground. Officer Smith then requested for a supervisor to respond to the scene. According to Officer Sweet, he then observed a bulge in Castillo's sweatshirt pocket. Officer Sweet conducted a search of Castillo's sweatshirt pocket and recovered a can of blue spray paint. The officers then placed Castillo into a seated position and discovered a sheathed, broken machete along Castillo's front waistband. According to Officer Sweet, the machete was likely broken when Castillo was taken into custody, as he heard a sound consistent with metal breaking when Castillo fell to the ground (Investigators' Note No. 2).



Screenshot from Officer Sweet's BWV: Initial view of Castillo's injuries
Photograph from D0787946: White corrugated metal fence

According to Officer Smith, once Castillo was placed into a seated position, he observed that Castillo had blood on his hands; however, he could not determine the origin of the injuries. At 1650:51 hours, Officer Smith requested a Rescue Ambulance (RA), "Four George Nine can we get an RA for a male approximately 18 years of age suffering from lacerations to his wrist and hand."²⁰

Note: As Castillo attempted to escape, he held onto the corrugated metal fence with his left hand. According to Castillo, he felt his left hand tear as he was pulled down from the gate. Castillo sustained lacerations to his left index, middle, ring and small fingers.

¹⁸ Gleaned from Officer Sweet's BWV at 1649:27 hours.

¹⁹ Gleaned from Officer Sweet's BWV.

²⁰ Gleaned from Officer Sweet's BWV.

Officer Sweet then completed his search of Castillo and recovered a cell phone from Castillo's left front pocket and a clear bag containing a green, leafy substance consistent with marijuana from Castillo's left sock.²¹ Officer Sweet maintained control of the evidence. According to Officer Smith, he wanted Castillo to receive medical treatment more efficiently and was concerned that Los Angeles Fire Department (LAFD) personnel would have difficulty driving into the north/south alley, which came to a dead-end. Officer Smith asked Castillo if he was able to walk and then escorted him north, through the alley, just south of 1st Street.²² Castillo sat on the curb and waited for the LAFD to arrive.

At 2350 hours, Hollenbeck Area GED uniformed Police Officers II Uriel Flores, Serial No. 39923, and The Duong, Serial No. 41581, assigned to Unit 4G7 W7, arrived at scene. Officer Flores verified that Officers Sweet and Smith's vehicle was secure while Officer Duong drove into the north/south alley. Officers Flores and Duong assisted with an evidence search and canvass for witnesses. No further evidence was discovered. Officer Flores identified two witnesses (MTA Security Guards Eduardo Gonzalez and Albert Padilla), who were later interviewed by Force Investigation Division (FID) investigators (Investigators' Note No. 3).

At 1654 hours, Hollenbeck Area GED uniformed Sergeants I Jose Vasquez, Serial No. 30976, and Leonardo Olea, Serial No. 35700, assigned to Units 4G30 W7 and 4G40 W7, respectively, arrived at scene. Officer Sweet advised Sergeant Olea that a Use of Force had occurred. Sergeant Olea then began a Non-Categorical Use of Force (NCUOF) Investigation. He received a brief walkthrough of the events from Officer Sweet and took photographs of Castillo and his injuries. According to Sergeant Olea, Castillo was being uncooperative. He described Castillo as refusing to respond to questions and moving his face down while being photographed (Investigators' Note No. 4).

The following Los Angeles Police Department (LAPD) uniformed personnel also responded to the scene:

Hollenbeck Area GED:

- Police Officer III Jose Carbajal, Serial No. 39480, and Police Officer II Jessica Ramirez, Serial No. 41815, Unit 4G3 W7;
- Police Officer III Daniel Guevara, Serial No. 41204, and Police Officer II Eakawat Kantanon, Serial No. 41162, Unit 4G4 W7;
- Police Officers II Jesus Campos, Serial No. 41519, and George Castano, Serial No. 41520, Unit 4G5 W7;
- Police Officers II Cipriano Gamboa, Serial No. 41405, and Victor Serrano Ahumada, Serial No. 41417, Unit 4G8 W7;

²¹ Gleaned from Officer Sweet's BWV at 1651:20 hours.

²² Gleaned from Officer Smith's BWV at 1651:48 hours.

- Police Officers II Abel Cepeida, Serial No. 38386, and James Sagbigsal, Serial No. 41681, Unit 4G12 W7;
- Police Officers II Juan De La Riva, Serial No. 39039, and Diana Silva, Serial No. 41593, Unit 4G14 W7.

Hollenbeck Patrol Division:

- Police Officer III Brandon Valdez, Serial No. 36464, and Police Officer II Jae Sung, Serial No. 32416, Unit 4A53 W2.

Los Angeles Fire Department Engine No. 2 and RA No. 804 personnel treated Castillo at scene for lacerations to his left hand. Officer Flores handcuffed Castillo to the gurney and LAFD personnel then placed Castillo into RA No. 804. Officer Flores rode in RA No. 804, which transported Castillo to the Los Angeles County University of Southern California Medical Center (LAC+USC), Pediatrics Ward. Officer Duong followed the RA in his police vehicle.

Officers Flores and Duong watched over Castillo at the hospital and provided frequent medical updates telephonically to Sergeant Olea. At approximately 2015 hours, Sergeant Olea received an update from Officer Duong that Castillo would be admitted into LAC+USC. Castillo was scheduled to undergo surgery on his left hand due to the injuries he sustained as a result of the Use of Force. Sergeant Olea conducted a follow-up to the hospital and verified with Doctor Chris Feng that Castillo would need to be admitted. Doctor Franklyn Fenton completed the admissions process on Castillo (Medical Record No. 101532360).

Sergeant Olea then made notifications to the Hollenbeck Division Watch Commander, Sergeant II Arthur Gallegos, Serial No. 35849. At 2140 hours, Sergeant Gallegos notified the Department Operations Center (DOC) that a Law Enforcement Related Injury (LERI) and Categorical Use of Force (CUOF) had occurred in Hollenbeck Area. Hollenbeck Area GED uniformed Sergeant II Jaime Chacon, Serial No. 32437, monitored Officer Smith and ordered him not to discuss the incident. Sergeant Vasquez was assigned to monitor Officer Sweet and ordered him not to discuss the incident (Addendum No. 2).

The first representative from FID to arrive was Detective II Guy Golan, Serial No. 38235, who arrived at 2225 hours.

Force Investigation Division detectives reviewed all documents and circumstances surrounding the separation/monitoring of the involved officer and the admonition for the officers not to discuss the incident prior to being interviewed by FID investigators. Once the case was deemed to be a CUOF, all protocols were followed and properly documented (Addendum No. 3).

Scene Description

The LERI occurred in the City of Los Angeles in the north/south alley located south of 1st Street and west of Soto Street. The alley extended approximately one-half block in length and was utilized as rear access and parking for several single and multi-family residential properties with Breed Street, 2nd Street, and Soto Street addresses. Castillo climbed the metal gate located to the rear of the residential property at 129 North Soto Street, which was located at the southeast corner of the alley. The metal gate was west-facing, approximately six feet high, and reddish-brown (rusted) in color. A concrete wall approximately eight feet high was located south, perpendicular to the metal gate. Also perpendicular to the metal gate, along the north side, stood multiple white, eight feet high corrugated metal fence panels. Castillo placed his left hand on the top of the first corrugated metal panel adjacent to the north post of the metal gate. The LERI occurred during daylight hours and the environmental conditions were clear.

A to-scale Computer-Aided Design (CAD) diagram of the location was prepared by the FID Investigative Support Unit (ISU) and is incorporated in this report.

Canvass for Witnesses

On March 21, 2019, FID personnel conducted a canvass in the area of 1st Street and Soto Street for witnesses and video documentation of the LERI. Two witnesses (MTA Security Guards Gonzalez and Padilla) observed Castillo and three other individuals loitering and drinking an unknown-type beverage from a black plastic bag. Approximately 10 minutes later, they observed Castillo flee into the alley as Officers Sweet and Smith drove onto the MTA Gold Line Platform. Another witness, Juan Sanchez, observed portions of the foot pursuit and officers taking Castillo into custody. The statements of these witnesses were recorded, transcribed, and are contained in this report.

The digitally recorded interviews of the involved and percipient officers, as well as civilian witnesses, were stored in the Training Evaluation and Management System (TEAMS II) database.

Subject Information



Thomas Ethan Castillo was a male Hispanic with black hair and brown eyes. At the time of the incident he was 5 feet, 4 inches tall and 140 pounds, with a date of birth of December 2, 2002. Castillo was identified by California Information and Identification (CII) No. A37020498 (Addendum No. 4).

Castillo had prior arrests for Burglary and Possession of a Controlled Substance. After being detained at Los Padrinos Juvenile Hall, he was released to his mother, Sonya Barron, and subsequently sentenced to Home On Probation (HOP). The

conditions of Castillo's probation included, but were not limited to, wearing a location monitor on his ankle, not committing any crimes, not being in the company of individuals in possession of controlled substances, and submitting to a search of his person and/or property at any time of the day or night, without a warrant. Castillo was identified as a Juarez Mara Villa gang member known by the moniker "Swifty." Castillo did not have any contacts with the LAPD Mental Evaluation Unit (Addendum No. 5).

As a result of this incident, numerous LAPD reports were completed by Hollenbeck GED personnel. Castillo was arrested and absentee booked (Booking No. 5571765) pursuant to Section 602 of the Welfare and Institutions Code (WIC) / 21310 of the California Penal Code (PC): Minor Carrying a Dirk or Dagger. Castillo was also booked on a misdemeanor juvenile warrant for 602 WIC / 11375(B)(2) of the Health and Safety Code (H&S): Minor in Possession of a Controlled Substance (prescription sedatives and benzodiazepines such as Valium or Xanax) (Addenda Nos. 6 and 7).

On March 14, 2019, Hollenbeck Area GED Detectives Police Officer II Hermelinda Gomez, Serial No. 39806, presented the case to the Los Angeles County District Attorney's Office, Juvenile Division, Eastlake, for filing consideration. Deputy District Attorney (DDA) Robert Maline filed one count 602 WIC / 245(c) PC: Assault Upon a Peace Officer; one count 602 WIC / 21310 PC: Carrying a Dirk or Dagger; and, one count 602 WIC / 148(a)(1) PC: Resisting, Delaying, or Obstructing a Peace Officer. Officer Gomez completed a Follow-Up Report for the Arrest Report. The case status was Investigation Continued (Addenda Nos. 8 and 9).

On March 27, 2019, Castillo invoked his Miranda Rights but consented to an Administrative Interview with Detective Golan and Detective II Dimitri Kort, Serial No. 34872, FID. According to Castillo, he was released from Los Padrinos Juvenile Hall, for his previously committed crimes, and placed in the Community Detention Program (CDP).²³ Castillo deviated from the terms of CDP, removed the location monitor from his ankle, and ran away from home. He walked to the MTA Gold Line Platform to look for an outlet to charge his cell phone. He stayed at the Platform for approximately 30 minutes while drinking an alcoholic beverage (32-ounce bottle of beer) on the concrete benches. Castillo then observed the officers (Sweet and Smith) drive onto the Platform. According to Castillo, he knew there was a warrant for his arrest, so he fled south through the alley. He did not hear any initial commands from the officers and first realized he was being chased once he began climbing the metal gate. The officer (Smith) grabbed Castillo at the waist and ordered him to release his grip on the gate. According to Castillo, he was told to let go of the gate approximately three times, but he continued to pull himself over the gate. Castillo denied intentionally kicking either of the officers; however, he remembered his feet making contact with an officer while he attempted to climb up the gate. Castillo was then pulled down from the gate and felt his hand tear. According to Castillo, he originally found the machete in a trash can, decided to carry it for protection and concealed it in his waistband. Castillo believed that the

²³ Juveniles placed in the Community Detention Program are released to their guardians and then confined to their home and school. Juveniles are required to wear a location ankle monitor to ensure they remain in compliance with the terms of CDP. The CDP is a form of house arrest probation for juveniles.

machete broke while he was attempting to climb the gate. Castillo admitted to carrying non-prescription marijuana in his sock. Lastly, Castillo denied graffitiing; however, he described holding onto the spray paint can in his sweatshirt pocket as he fled from the officers.

Injuries

At 1653 hours, LAFD Engine No. 2, staffed by Captain Christopher Aguirre, Engineers Alfred Larios and David Diaz, and Firefighters (FF) Christopher Wynn and Casey Ketelsleger and RA No. 804, staffed by Firefighter Emergency Medical Technicians (FF/EMT) Patricia Ochoa and Jaime Perez received the call to respond to 1st Street and Soto Street. Engine No. 2 and RA No. 804 arrived at 1658 hours and 1703 hours, respectively.

Firefighters Wynn and Ketelsleger and FF/EMT Ochoa provided emergency treatment to Castillo for a laceration to his left hand and fingers. At 1708 hours, RA No. 804 transported Castillo to LAC+USC for medical treatment. Upon arrival, Castillo was taken to the Pediatrics Ward. Doctor Chris Feng examined Castillo and ordered an orthopedic surgeon consultation. Per his medical records, Castillo sustained lacerations to the index, middle, ring, and small fingers of his left hand. The lacerations were located at the first knuckles across the inner hand, damaging the tendons. At approximately 2015 hours, Doctor Franklyn Fenton admitted Castillo into the Pediatrics Ward at LAC+USC. On March 14, 2019, Castillo underwent hand surgery for his injuries. Doctor Rachel Lefebvre performed the surgery. Castillo remained at LAC+USC, Pediatrics Ward, until his discharge on March 15, 2019. Castillo signed a Medical Release Waiver authorizing the release of his medical records (Addendum No. 10).

Evidence

Four items of evidence were recovered and booked into evidence as a result of this incident. Included in those items were narcotics (Item No. 1), a machete (Item No. 2), a machete sheath (Item No. 3), and a spray paint can (Item No. 4). Officer Sweet recovered all evidence at scene. He later booked the items into evidence on March 14, 2019 (Addendum No. 11).

Forensic Science Division Criminalist II Andrea Mazzola, Serial No. G9429, conducted a narcotics analysis. The bag of narcotics, which was recovered from Castillo's left sock (Item No. 1), contained 1.73 net grams of cannabis (Addendum No. 12).

Clothing Analysis

At the time of the incident, Castillo was attired in a black hooded sweatshirt with the letters "LA" across the front, Dickies khaki shorts with blue athletic shorts underneath, and black Converse-style shoes. The force utilized was less-lethal. As such, the clothing proved of no evidentiary value and was not examined.

Weapons



Thomas Castillo was armed with a machete that had a black plastic handle and an 18-inch, dual edged serrated blade.

Visual Documentation

Digital In-Car Video System (DICVS)

Force Investigation Division investigators reviewed the DICVS. The CUOF was not captured on DICVS. Force Investigation Division investigators determined six DICVS-equipped vehicles responded; however, the majority of them discontinued their Code Three responses prior to arrival due to the Code Four broadcast. These vehicles, Shop Nos. 81863, 81392, 89057, and 81850, did not provide any investigative value.

Officers Sweet and Smith's DICVS (Shop No. 81856) was activated approximately six minutes after the CUOF. Their vehicle was parked on the MTA Gold Line Platform facing the concrete benches to the south. No part of the detention, CUOF, or medical treatment was captured due to the location and direction of their parked vehicle. Officers Flores and Duong's DICVS (Shop No. 81865) was activated during their Code Three response. The DICVS captured their response through the alley where the CUOF occurred, which displayed Officers Sweet and Smith standing near Castillo, who was already handcuffed and in a seated position. No inconsistencies or issues were discovered from any of the DICVS.

Body Worn Video (BWV)

Force Investigation Division investigators reviewed the BWV system. The investigation revealed that one Hollenbeck Area GED sergeant, nine Hollenbeck Area GED officers, and two Hollenbeck Division officers activated their BWV in relation to this incident. Only Officers Sweet and Smith's BWVs captured the CUOF. Officer Duong's BWV shows the witness and evidence canvass. Officer Flores' BWV depicts him attempting to get

Castillo's name and date of birth as well as LAFD providing medical treatment to Castillo. All other BWV viewed in relation to this incident involved Code Three responses being terminated once the Code Four was broadcast. No inconsistencies or issues were discovered from any of the BWV.

Social Media

Personnel assigned to FID's Cyber Unit monitored social media sites from the date of the incident until submission of this investigative report. No additional evidence, information or witnesses were identified.

Other Department Video

There was no additional Department video located.

Outside Video

Investigators assigned to FID canvassed the area of 1st Street, Soto Street, Breed Street, and 2nd Street, but were unable to locate any functioning video surveillance cameras that monitored the area of the CUOF.

Photographs

Technical Investigation Division (TID) Photographer III Ryszard Niscior, Serial No. N3630, responded to LAC+USC, Pediatrics Ward, and photographed Castillo. The photographs were stored under Control No. D0787870. Photographer III Debra Davidian, Serial No. N6115, responded and photographed the involved officers and associated evidence. The photographs were stored under Control No. D0787871.

On March 18, 2019, TID Photographer III Andrew Millett, Serial No. N3782, responded to the CUOF scene (during daylight conditions) and photographed the MTA Gold Line Platform concrete benches and planter area, the north/south alley south of 1st Street and West of Soto Street, and the immediate area where the CUOF occurred. The photographs were stored under Control No. D0787946.

Notifications

On March 13, 2019, at approximately 2140 hours, the DOC notified FID Lieutenant II James Antenucci, Serial No. 26784, of the Hollenbeck incident. Force Investigation Division investigators responded to Hollenbeck Station and LAC+USC to conduct an assessment. Upon speaking with Department personnel and LAC+USC medical staff, the FID investigators determined that the incident met the criteria of a CUOF. On March 13, 2019, at approximately 2321 hours, the DOC received notification of the confirmed LERI. The details of the subsequent notifications are attached to this summary.

Personnel at Scene

Detective Golan arrived at scene at 2225 hours as the first FID representative. Due to the delay in admitting Castillo into the hospital and the necessity to evaluate the case prior to determining if it would be classified as a CUOF, no crime scene logs were

completed. Additional personnel who were present during and immediately following the LERI were identified by reviewing BWV, DICVS, and the CD Incident History. Those who were identified as being significantly involved or having extended contact with Castillo were interviewed and their transcribed statements attached to this summary.

Communications

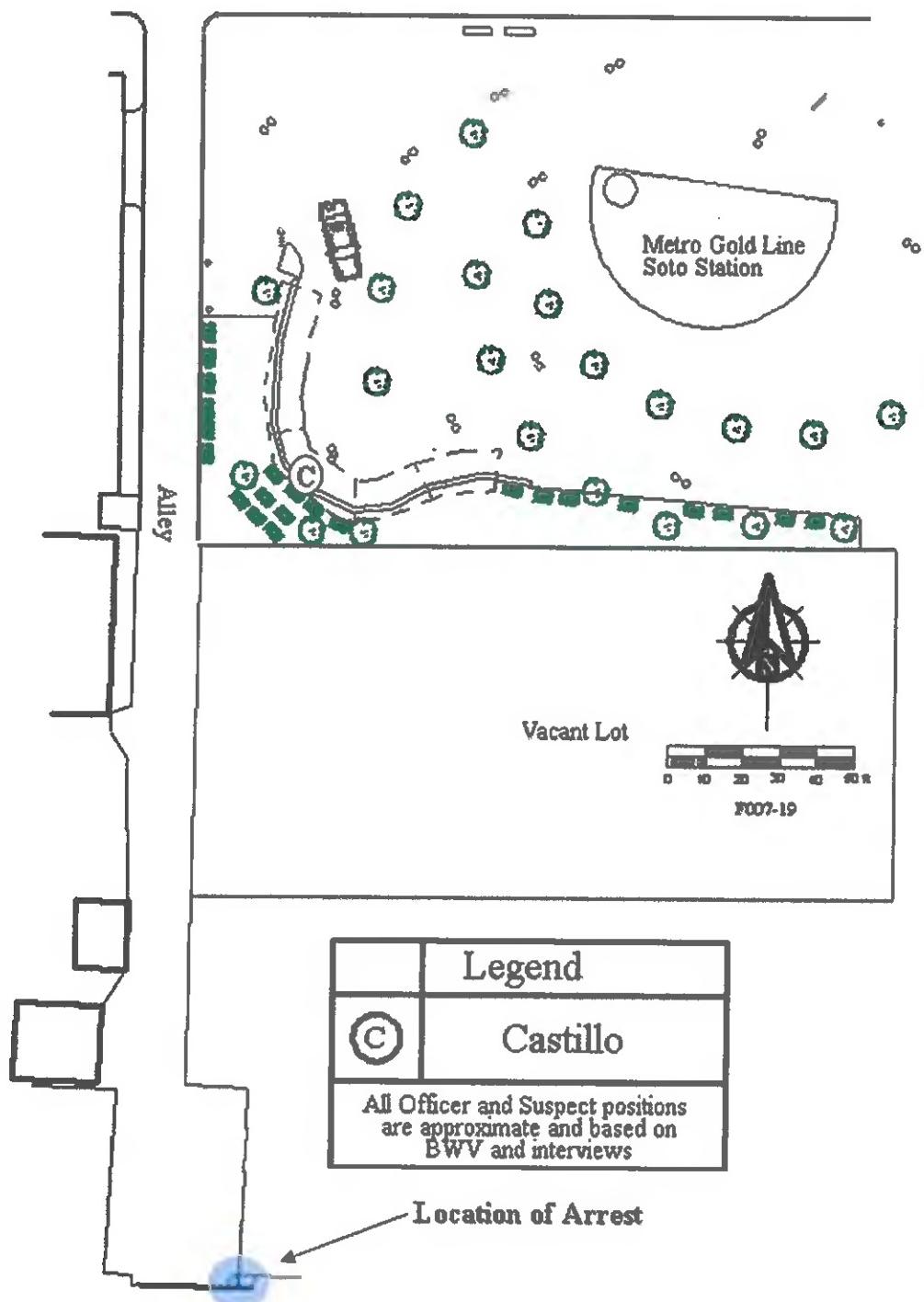
A copy of the CD Incident History associated to this occurrence (Incident No. 190313004355) is on file at FID. A digital recording of Hollenbeck Division Base Frequency, at the time of this incident, is also on file at FID. Copies are retained in the FID investigative case file and are available for review. The digitally recorded interviews of the involved and percipient officers, as well as the civilian witnesses, are stored in the Training Evaluation and Management System (TEAMS II) database (Addendum No. 13).

Justice System Integrity Division

This case did not meet the criteria for presentation to the Los Angeles County District Attorney's Justice System Integrity Division.

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E. 1st Street



INVESTIGATORS' NOTES

1. Hollenbeck Crime Analysis Detail (CAD) Crime and Intelligence Analyst II Magda Tellechea, Serial No. E9628, provided a Crime Summary Report for Reporting Districts (RDs) 0464, 0466, and 0467. The borders of which are within less than $\frac{3}{4}$ mile in any direction from the 1st Street and Soto Street intersection. From January 1, 2019 to March 13, 2019, there were a total 80 Part One crimes in the area: 26 Burglary/Theft from Motor Vehicles, 14 Thefts, 3 Burglaries, 9 Grand Theft Autos, 10 Aggravated Assaults, 2 Arsons, 2 Rapes, 8 Robberies and 2 Homicides. Two of the Aggravated Assaults and both Homicides were gang-related. One of the Homicides occurred the morning of March 13, 2019, (the same date as this incident) approximately $\frac{1}{4}$ mile northwest of the MTA Gold Line Platform. The other Homicide occurred on January 8, 2019, at the northwest corner of the 1st Street and Soto Street intersection.
2. Officer Smith activated his BWV after the Use of Force and taking Castillo into custody. Officers Smith and Sweet deactivated their BWVs while awaiting the Rescue Ambulance (RA), with Castillo still being in their custody. Lastly, Officers Sweet and Smith activated their DICVS and microphones approximately six minutes after the Use of Force. Force Investigation Division (FID) Lieutenant II James Antenucci, Serial No. 26784, notified Force Investigation Group (FIG) Commanding Officer, Commander Robert Marino, Serial No. 27226, who then notified the Office of Operations.
3. Officer Duong activated his BWV after already having contact with Castillo. Officer Flores activated his BWV after speaking to two security guards (Witnesses Gonzalez and Padilla). Officer Flores deactivated his BWV before he entered the RA and escorted Castillo during the transport to the hospital. Lieutenant Antenucci also made Commander Marino aware of these issues. Commander Marino then ensured the Office of Operations was notified.
4. Sergeant Olea did not activate his BWV, DICVS, or microphone during his initial Non-Categorical Use of Force (NCUOF) investigation and contact with Castillo. Lieutenant Antenucci also made Commander Marino aware of this issue. Commander Marino then ensured the Office of Operations was notified.

CHIEF OF POLICE REPORT²⁴

Chief of Police Findings

Tactics – Tactical Debrief, Officers Smith and Sweet.

Drawing and Exhibiting – In Policy, No Further Action, Officer Smith.

Non-Lethal Use of Force – In Policy, No Further Action, Officers Smith and Sweet.

Chief of Police Analysis

Detention

- The involved officers were conducting crime suppression in the area of 1st Street and Soto Street in the area of the MTA Gold Line Train Station Platform. Due to their previous experience, the officers were aware that the MTA station and the surrounding neighborhood had experienced numerous shootings, robberies, vandalisms, gang activity and recently had a homicide. Officers Sweet and Smith observed Castillo, who was with two other unidentified females, congregating at the concrete benches and planter at the rear southwest corner of the Platform near a clearly posted sign which advised readers of numerous prohibited activities, including "loitering." The officers drove their police vehicle onto the driveway and turned toward the individuals, losing sight of Castillo. Castillo had moved into the planter standing with his back toward the officers. Officer Sweet observed Castillo look back toward the officers and begin running. Officer Smith observed Castillo running with his right hand holding onto his waistband, consistent with carrying a weapon or contraband. Officer Smith exited the police vehicle and engaged in a foot pursuit after Castillo. Officer Sweet parked the police vehicle and joined in the foot pursuit. At the termination of the foot pursuit, Castillo attempted to climb over a fence into a residential area and was physically detained by Officers Smith and Sweet which resulted in a Non-Lethal Use of Force. Castillo was determined to have been in possession of a machete, green leafy substance resembling marijuana, and a can of spray paint. The officers' actions were appropriate and within Department policies and procedures.

Tactics

- Department policy relative to a Tactical Debrief is: "*The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance.*"

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident

²⁴ The information provided in this section summarizes the analysis and findings set forth in the Chief of Police's report for this case.

specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Tactical De-Escalation

- *Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.*

Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)*

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

In this case, Officers Smith and Sweet were in the area of the MTA platform in response to recent crimes which had occurred in the vicinity. As the officers were beginning to initiate an investigation, the suspect ran from the location, possibly armed with a weapon or concealing contraband, with the officers initiating a foot pursuit. At the termination of the foot pursuit, the suspect attempted to climb over a fence resulting in a UOF.

Planning – Officers Smith and Sweet were both assigned to the Hollenbeck GED unit. They worked together for approximately four months prior to the incident and had discussed tactics including the roles of contact and cover, containment and apprehension modes of foot pursuits, the issue of separation and responsibilities of broadcasting of foot pursuits, and the response to various radio calls including shootings and robberies. While it would have been preferred that the officers created a more specific plan during this incident, the rapid escalation of Castillo running from the officers prevented them from formulating a more detailed plan.

Assessment – The officers first assessed the incident and observed Castillo and two females sitting in the area of the MTA platform, which the officers interpreted as a possible violation of the no-loitering policy at the platform. As the officers began to approach to conduct their investigation, they observed Castillo run from the location. During the foot pursuit, the officers continuously assessed the movements and direction of travel of Castillo. At the termination of the foot pursuit, the officers

assessed that Castillo was continuing to attempt to evade being detained and attempted to climb a fence. The officers utilized a minimum amount of force to detain and handcuff Castillo, continuously assessing Castillo's actions while he was being taken into custody.

Time – The officers were faced with a rapidly escalating incident where Castillo ran from them to evade being detained. As they officers engaged in foot pursuit, Castillo reached his hand toward his waistband and it was unknown to the officers if he was reaching toward an unknown weapon or contraband. At the termination of the foot pursuit, Castillo reached up and grabbed the top of a fence, attempting to climb over. Castillo's actions did not afford the officers any additional time and limited their tactical options.

Redeployment and/or Containment – As the officers approached the area where Castillo was sitting, Castillo walked and then ran from the location. Due to the rapid escalation of the Castillo's actions, the officers had a limited opportunity to utilize other options and initiated a foot pursuit after Castillo. Officer Smith utilized his hand-held radio to broadcast the foot pursuit and location where responding units could establish containment of Castillo. At the termination of the foot pursuit, Castillo attempted to climb over a fence into a residential neighborhood, resulting in Officers Smith and Sweet physically taking Castillo into custody. The short duration of the incident did not allow for containment to be established prior to taking Castillo into custody.

Other Resources – Due to the rapid escalation of the incident by Castillo as he ran from the officers, the first broadcast from the officers for additional resources was Officer Smith's broadcast that they were in foot pursuit. Once the suspect was taken into custody, the officers requested a supervisor and an RA. The additional officers who responded to the location worked in cooperation to handle the required activities to resolve the incident.

Lines of Communication – Officers Smith and Sweet initially opened lines of communication between each other when they communicated their observations of the activities at the MTA platform and talked about meeting with Castillo and the two other females. Officer Smith advised Officer Sweet that Castillo was running from the location and then broadcasted that the officers were in foot pursuit. At the termination of the foot pursuit, Officer Smith commanded Castillo to let go of the fence that he was attempting to climb over. Once Officer Sweet joined them, Officers Sweet and Smith communicated with each other and continued to order Castillo to let go of the fence. Once Castillo came down from the fence, the officers coordinated with each other and handcuffed Castillo.

The UOFRB determined, and the Chief concurred, that Officers Smith and Sweet attempted to de-escalate the incident, but the suspect's aggressive actions to evade detention, along with his violent physical resistance including kicking Officer Smith, prompted them to physically detain the suspect with a reasonable amount of force.

During the review of the incident, the following Debriefing Topics were noted:

- **Debriefing Point No. 1 Code Six**

When a unit is conducting a field investigation and no assistance is anticipated, a "Code Six," followed by the location, shall be broadcast. A unit shall not go "Code Six" until it arrives at the scene of a call.

Units on "Code Six" status shall remain available for reassignment to priority calls by monitoring their radio frequencies. A unit on "Code Six" status may indicate to the dispatcher additional circumstances which will make the unit unavailable for assignment to a priority call. These circumstances may include:

- *Suspect in custody;*
- *Primary unit at a crime scene; and/or,*
- *Required at a backup, assistance, or help location.*

Note: *The unit shall notify the dispatcher as soon as it is again available for radio calls (Los Angeles Police Department Manual, Volume 4, Section 120.40).*

Officers Smith and Sweet did not advise CD of their Code Six location.

The purpose of broadcasting a Code Six location is to advise CD and officers in the area of their location and the nature of the field investigation, should the incident escalate and necessitate the response of additional personnel. Vehicle and pedestrian stops can be dangerous, as the identity and actions of a person stopped is often unknown, and as in this case, their actions can be unpredictable.

The officers were initially traveling in a commercial area and were not engaged in a specific activity. The officers approached the MTA Gold Line Platform and observed the suspect and two other individuals who were sitting on bench, possibly loitering. The officers, having knowledge that the train platforms had been the scene of many recent violent criminal acts, decided to direct their vehicle towards the individuals and investigate.

In this situation, though the officers were faced with a rapidly unfolding situation, the UOFRB discussed their preference that the officers had placed themselves Code Six upon making the decision to conduct a loitering investigation. The officers' observation of the fleeing suspect immediately required them to tactically deploy from the vehicle. Officer Smith, acknowledged that his partner, Officer Sweet, was going to be delayed *dealing with the vehicle* and unable to place the officers Code Six in a timely manner. The UOFRB also noted that Officer Smith stated that he had difficulty removing his hand-held radio from its holster. Thus, Officer Smith completed his initial transmission to CD as a foot pursuit broadcast at the first

opportunity it was tactically feasible, which was approximately nine seconds into the incident. The incident rapidly escalated for the officers due to the actions of the suspect.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that in this situation, Officers Smith and Sweet's actions were not a substantial deviation from approved Department tactical training. The Chief directed that this be a topic of discussion during the Tactical Debrief.

- **Debriefing Point No. 2 Pursuing Possibly Armed Suspects**

Pursuing Armed Suspects: *When pursuing a suspect believed to be armed, officers should generally do so in containment mode while considering the available tactical advantages, including cover and concealment where available. The goal is to maintain observation of the suspect and the tactical advantage while coordinating the response of additional units and other resources for a perimeter with the objective of containing the suspect and taking him into custody safely. The decision to pursue an armed suspect in apprehension mode may be appropriate when the suspect is at a tactical disadvantage and an arrest can be accomplished with limited risk to officers or innocent parties (Los Angeles Police Department Use of Force-Tactics Directive No. 3.2, Foot Pursuit Concepts, October 2013).*

Officers Smith and Sweet engaged in a foot pursuit of a suspect they believed to be possibly armed.

Containment of an armed suspect demands optimal situational awareness. The ability to maintain the tactical advantage rests on the ability of the officers to effectively communicate, thus ensuring a coordinated effort and successful resolution.

Generally, officers are discouraged from pursuing armed suspects on foot. Nonetheless, officers must be afforded a level of discretion regarding the appropriateness of their decision to engage in foot pursuit of an armed suspect.

In this case, Officer Smith was initially in containment mode of as he tracked the suspect south in the alley. Officer Smith broadcast on Hollenbeck frequency to summon additional resources and utilized distance between himself and the suspect as the suspect continued to flee. Officers Smith and Sweet maintained a line of sight with one another and remained close enough to each other to render immediate aid, if necessary. The UOFRB also examined the distance between both officers during the incident and determined that no separation, either by distance or barrier, occurred.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that Officer Smith and Sweet's actions were reasonable and did not substantially deviate from approved Department tactical training. In order to

enhance future performance, the Chief directed that this be a topic of discussion during the Tactical Debrief.

- **Debriefing Point No. 3 Approaching an Armed Suspect**

There is an equation that saves lives: Distance + Cover = Time. Time gives officers options. Time is an essential element of de-escalation as it allows officers the opportunity to communicate with the suspect, refine tactical plans, and, if necessary, call for additional resources. Entering the suspect's space prematurely may force the suspect to take action, ultimately escalating the situation. Whenever possible, officers should place an object between themselves and the suspect as cover or a barrier. A barrier could be a chain link fence, wrought iron gate, or any similar object that prevents the assailant from reaching the officer (Los Angeles Police Department Training Bulletin, Weapons Other Than Firearms, Volume XLVI, Issue 3, October 2017).

Officers must approach every contact with officer safety in mind. Complacency, overconfidence, poor planning, or inappropriate positioning can leave officers vulnerable to attack (California Commission on Peace Officer Standards and Training, Learning Domain 21).

Officer Smith approached and initiated physical contact with a suspect he believed to be possibly armed.

When officers encounter a suspect that they believe is armed with a weapon, they are trained to place the suspect into a high-risk prone position to facilitate a safe approach to take the suspect into custody. This tactic provides the officers a tactical advantage and allows them to plan, communicate, redeploy, utilize cover, give commands and approach the suspect from a position of advantage.

In this case, Officer Smith transitioned from containment to apprehension mode when he observed Castillo place both of his hands atop of the fence, thus seeing Castillo did not have any weapons within his grasp. The UOFRB considered Officer Smith's general concern for public safety concerning Castillo climbing over the fence into a residential neighborhood and also the fact that no weapons were seen in Castillo's possession. The officers also had a belief that the suspect could possibly have been carrying contraband or was just securing his pants while he had been running.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that Officers Smith and Sweet's actions were not a substantial deviation from approved Department tactical training. The Chief directed this topic be discussed during the Tactical Debrief.

- **Additional Tactical Debrief Topics**

Searches of Arrestees – The investigation revealed that Officers Smith and Sweet did not immediately complete a full search of the suspect when he was taken into custody. It was noted that Officer Smith had broadcast that the officers were in foot pursuit of a man with a gun and had felt an unknown object near the suspect's waistband when he had grabbed the suspect around the waist. The UOFRB noted that the suspect was taken into custody and secured with handcuffs and was lying in a stomach-down position on the ground with a portion of his shorts pulled down revealing his waistband. The suspect's rear waistband was clear of any items. Officer Sweet remained nearby Castillo. The officers then discovered a sheathed, broken machete along Castillo's front waistband. Although the officers were unsure if the suspect had been armed or was in possession of contraband, a suspect that has not been fully searched can pose a potential threat to the officers. The Chief would have preferred that the officers completed a full search of the suspect more contemporaneously to when the suspect was handcuffed. The officers are reminded of the importance of searching all arrestees to ensure that they are not in possession of any weapons that they can still gain access to while handcuffed. The Chief directed this be a topic of discussion during the Tactical Debrief.

Body Worn Video Activation – The investigation revealed that Officer Smith did not activate his BWV until after the use of force had occurred. Captain R. Stabile, 26260, Commanding Officer, Hollenbeck Area, reviewed the circumstances of this and determined that the rapid escalation of the incident and Officer Smith's multi-tasking of initiating a foot pursuit, conducting a radio broadcast of the foot pursuit, and conducting a continuous assessment of the situation did not make the activation of his BWV feasible. The BWV was knocked off of Officer Smith by the suspect and was activated as soon as it was practical and safe to do so.

In addition, both Officers Smith and Sweet de-activated their BWV shortly after the suspect was taken into custody. Captain Stabile conducted a review of this circumstance and determined that Officers Smith and Sweet de-activated their BWV to give statements to Sergeant Olea regarding their use of force which was initially a NCUOF.

Captain Stabile conducted a review of the circumstances surrounding Officers Smith and Sweet's BWV activations. Captain Stabile determined that neither officer had any prior similar instances related to BWVs. Captain Stabile advised that to enhance future performance, the circumstances were reviewed with Officers Smith and Sweet and were addressed through divisional counseling. The Commanding Officer of Operations-Central Bureau (OCB) and the Director of the Office of Operations (OO) concurred with this action. As such, the Chief deemed no further action is necessary.

- **Command and Control**

Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.

Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).

The senior officer, or any officer on-scene who has gained sufficient situational awareness, shall establish Command and Control and begin the process to develop a plan of action consistent with Department supervisory and tactical training.

Sergeant Olea was the first supervisor to arrive at the incident. Sergeant Olea received a briefing of the incident and began to conduct a NCUOF investigation. Doctor Chris Feng examined Castillo and ordered a consultation with an orthopedic surgeon. Doctor Franklyn Fenton conducted an assessment of Castillo and then admitted Castillo into LAC + USC. The medical procedures for Castillo caused a delay in determining if this incident met the criteria for a LERI. After Sergeant Olea received a telephonic notification from officers at LAC + USC that Castillo was going to be admitted for injuries, Sergeant Olea conducted a follow-up to the medical center to verify that Castillo was being admitted for injuries related to the UOF. Once the incident was determined to be a LERI, Sergeant Olea notified Sergeant Gallegos, who in turn notified the DOC of the LERI and the CUOF.

Sergeant Chacon monitored Officer Smith and ordered him to not discuss the incident. Sergeant Vasquez monitored Officer Sweet and ordered him to not discuss the incident.

The actions of Sergeants Olea, Gallegos, Chacon and Vasquez were consistent with Department supervisory training and met the Chief's expectations of field supervisors during a critical incident.

Tactical Debrief

- In conducting an objective assessment of this case, the UOFRB determined, and the Chief concurred, that Officers Smith and Sweet's tactics did not substantially deviate from approved Department tactical training.

Each tactical incident also merits a comprehensive debriefing. In this case, there were areas identified where improvement could be made. A Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

Therefore, the Chief directed Officers Smith and Sweet attend a Tactical Debrief and that the specific identified topics are discussed.

Note: Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

General Training Update (GTU)

- On March 28, 2019, Officers Smith and Sweet attended a General Training Update. All mandatory topics were covered.

Use of Force – General

- *It is the policy of this Department that personnel may use only that force which is "objectively reasonable" to:*
 - *Defend themselves;*
 - *Defend others;*
 - *Effect an arrest or detention;*
 - *Prevent escape; or,*
 - *Overcome resistance*

The Department examines reasonableness using Graham v. Connor and from the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in

light of facts and circumstances of each particular case. Those factors may include, but are not limited to:

- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*
- *The environmental factors and/or other exigent circumstances. (Los Angeles Police Department Manual, Volume 1, Section 556.10)*

Drawing/Exhibiting

- According to Officer Smith, he observed Castillo approximately 20 to 40 feet ahead of him hanging on the fence. Due to his prior observations that Castillo had reached towards his waistband and his belief that Castillo may be armed, Officer Smith slowed down to a fast walk, holstered his hand-held radio, and drew his service pistol as he approached Castillo.

Officer Smith recalled,

As I come around, I see the suspect, like, hanging on the fence and I give him -- at one point I begin to like -- a fast -- I stop running into a fast walk and I unholster and I start giving him commands. He begins to pull himself back up and that's when I holster my gun again, and I go hands on with him...²⁵

...Approximately 20 to 40 feet.²⁶

I unholstered because I believed he was armed with a possible weapon, because I seen him reaching for his waistband. So because of that, I unholstered.²⁷

²⁵ Smith, Page 24, Lines 6-11.

²⁶ Smith, Page 28, Lines 9-10.

²⁷ Smith, Page 27, Lines 18-21.

In this case, the UOFRB conducted a thorough review in evaluating the reasonableness of Officer Smith's Drawing/Exhibiting. The UOFRB noted that Officer Smith's knowledge that the area had recently experienced a rise of violent crime. Officer Smith also observed Castillo reaching his hand towards his waistband as he fled, prompting Officer Smith to form the opinion that Castillo was possibly armed.

As such, based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officer Smith, while faced with similar circumstances, would reasonably believe that there was a substantial risk the situation may escalate to the point where deadly force may be justified.

Therefore, the Chief found Officer Smith's Drawing/Exhibiting to be In Policy, No Further Action.

Non-Lethal Use of Force²⁸

- *It is the policy of this Department that personnel may use only that force which is "objectively reasonable" to:*
 - *Defend themselves;*
 - *Defend others;*
 - *Effect an arrest or detention;*
 - *Prevent escape; or,*
 - *Overcome resistance (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

Officer Smith – Firm Grip, Physical Force, and body weight.

According to Officer Smith, he was concerned that Castillo may scale the fence and *run into somebody else's house*, which prompted him to holster his service pistol and approach Castillo to take him into custody *before Castillo could finish pulling himself* over the fence. Officer Smith grabbed Castillo around his waist to prevent his escape over the fence. As he made physical contact with Castillo's right-side waistband, Officer Smith immediately felt the handle of an unknown type weapon with his right hand. Officer Smith didn't know what it was – he just felt a hard-handled object and believed Castillo to be carrying a concealed weapon. In fear for his safety, Officer Smith grabbed onto it and didn't let go. As Officer Smith grabbed the unknown object in Castillo's waistband, Castillo moved his left leg in a downward motion and kicked Officer Smith on the chest attempting to kick him away. Officer Smith maintained his grasp of the object and also grabbed onto Castillo's right leg to control Castillo's movement. Castillo then tried to kick Officer Smith a couple other times causing Officer Smith's BWV and hand-held radio to fall to the ground. Officer

²⁸ Los Angeles Police Department Manual, Volume 1, Section 556.10.

Smith used a firm grip on Castillo's left hip and right leg and continued to struggle to keep Castillo from climbing the fence.

Officer Smith recalled,

Because I could see his hands on top of the fence, I went hands on with him before he could finish pulling himself over...So I didn't want him to run into somebody else's house or something like that.²⁹

As I gave him commands, he again pulls himself back up on the fence. At which time I holster my gun and I go hands on with him. And as I grab him, my right hand -- as soon as I grabbed onto his right hip area, I immediately grabbed the -- a handle of an unknown type weapon. I still didn't know what it was. I just felt a hard-handled object. So, I grabbed on that. I didn't let go. He kicked me in the chest, attempting to kick me away from him. I still hung onto that part, and I grabbed onto his right leg.
³⁰

I was kind of pulling, holding because he -- every time he'd pull up, I'd try to pull down. But he was -- at that point he kicked me. I think he kicked me right -- right -- once I grabbed onto his right waistband, I grabbed the -- what turned out to be a machete, he kicked me. And he tried to kick me a couple other times.³¹

I grabbed his left hip as well.³²

According to Officer Smith, as Castillo was still attempting to kick him, Officer Sweet approached and grabbed onto the left side of Castillo's body prompting Officer Smith to transfer over to Castillo's right side. As Castillo continued to struggle with the officers, Officer Smith made eye contact with Officer Sweet and the officers attempted to coordinate their movements as they pulled Castillo downward. As both officers began to pull, Castillo's exterior shorts fell down to his ankles, which forced the officers to re-grip their hands around Castillo. Officer Smith maintained a grasp of the weapon with his right hand. Officers Smith and Sweet grabbed both legs and pulled down causing Castillo to fall off the fence and onto his back. The officers then rolled Castillo over and Officer Smith placed his left knee on Castillo's upper back

Officer Smith recalled,

At which time my partner approached and grabbed onto his left side of his body. We attempted to coordinate our pull. As we began to pull, the shorts -- his out -- exterior

²⁹ Smith, Page 30, Lines 8-16.

³⁰ Smith, Page 9, Lines 22-25, and Page 10, Lines 1-7.

³¹ Smith, Page 32, Lines 24-25, and Page 33, Lines 1-5.

³² Smith, Page 35, Lines 2-3.

shorts fell down to his ankles, so we re-gripped and while I still had the weapon... my partner grabbed both legs and we pulled and got him off the fence. At which time he fell to the ground on his back. We rolled him over. I grabbed his left hand and placed it behind his back, and my partner grabbed his right arm and placed handcuffs on him.³³

We coordinated our pull. I think we just, like, looked at each other and we pulled. As we pulled, his shorts fell to his ankles -- his exterior shorts. So my partner, he regained his grip and I regained my left-hand grip. I still had my right hand on the grip -- on the machete. And this time we pulled again and he fell off the fence.³⁴

...I had my knee on his upper back area.³⁵

Officer Sweet – Firm Grip, physical Force, and bodyweight

According to Officer Sweet, he grabbed onto Castillo's left ankle and stated, "I got him." After Officer Sweet established a firm grip of Castillo, the officers started pulling before Officer Sweet realized Castillo's shorts were coming down. Officer Sweet readjusted [sic] his grip and was able to get a hold of Castillo's left ankle. Officers Sweet and Smith then pulled on Castillo a second time and Castillo fell off the fence. As Castillo hit the ground, Officer Sweet heard a loud clanging noise – like something metal had hit the ground. The officers placed Castillo onto his stomach before Officer Sweet placed his body weight onto Castillo's right thigh and obtained a firm grip on his right arm.

Officer Sweet recalled,

As I came around the -- I guess it's the corner of one of the properties, I could see that the suspect was up onto the fence as if he was trying to jump over into the east property at the end of the alley. And my partner had his hands around the suspect -- like the suspect's waist area, attempting to pull him down. I came up and I was giving him commands to let go of the fence so we could detain him, and he was trying to force his way up over the fence. So then I was able to grab onto his left ankle and pull him down. At which point we took him into custody. And as we were taking -- as we -- as I pulled him off the fence, I heard like a load -- like a clanging noise, like something metal had hit the ground.³⁶

³³ Smith, Page 10, Lines 7-17.

³⁴ Smith, Page 36, Lines 6-13.

³⁵ Smith, Page 38, Lines 7-8.

³⁶ Sweet, Page 9, Lines 20-25, and Page 10, Lines 1-9.

*...I gave him [Castillo] commands to let go and – meaning let go of the fence. I said it a few times to – just to let go of the fence.*³⁷

*I grabbed the – when I approached the suspect, I had grabbed onto his left ankle. That was the first limb that I was able to reach. And I was – I started pulling onto his calf, and then I realized his pants are coming down and not him, so I readjusted and was able to get a hold onto his left ankle... I transitioned to his left calf with both hands (unintelligible) his ankle... I remember telling my partner, "I got him," referring to me having ahold of his ankle and I wasn't going to let go. And that's when I attempted to pull him down the first time. And like I had mentioned, I had grabbed onto his shorts instead. When I transitioned, that's when I was able to pull him down.*³⁸

*... I placed my body weight onto his right thigh and that's when I got a firm grip on his right arm... When we rolled him over, I kind of -- we rolled him over when I grabbed his right arm and that was kind of pulled forward towards me, so western -- westerly. And that's when I was able to put his hand behind his back and placed my left knee on his right thigh.*³⁹

The UOFRB reviewed each application of non-lethal force utilized by Officers Smith and Sweet. Castillo escalated the incident by fleeing on foot from the officers. Castillo grabbed onto the top of a fence and attempted to climb over it. Castillo also kicked Officer Smith in an attempt to prevent Officer Smith from taking physical control of Castillo. Throughout the incident, Castillo physically and violently resisted both Officers Smith and Sweet's attempts to detain Castillo. Both officers used a minimum level of force to overcome Castillo's resistance and handcuff him. The UOFRB noted that Castillo's injury which resulted in his hospitalization was caused by his grip on the metal fence, rather than from the force used by Officers Smith and Sweet.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officers Smith and Sweet, while faced with similar circumstances, would believe that the same application of non-lethal force would be reasonable to overcome Castillo's resistance.

Therefore, the Chief found Officers Smith and Sweet's Non-Lethal Use of Force to be objectively reasonable and In Policy, No Further Action.

³⁷ Sweet, Page 27, Lines 5-8.

³⁸ Sweet, Page 28, Lines 10-16 and Page 29, Lines 11-17.

³⁹ Sweet, page 31, Lines 17-19 and Lines 23-25, and Page 32, Lines 1-3.

Additional

- **Body Worn Video Activation**

Officer Flores deactivated his BWV before he entered the RA and escorted Castillo to the hospital. Captain Stabile advised that this issue was addressed through divisional counseling and the creation of a Supervisory Action Item (SAI). The Commanding Officer of OCB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.⁴⁰

In order to enhance future performance and to clarify the Department's policy in regards to the use of BWV by Department personnel, the Chief issued a reminder to all Department personnel on October 30, 2019. The reminder reiterated that the "policy requires officers to activate their BWV devices during all-in-custody transports." The Chief further explained that LAFD personnel "have been instructed to assume they are being recorded while working in close proximity" with Department personnel during the execution of their duties, "including within the treatment area of a Rescue Ambulance" during "all in-custody transport."

- **Profanity** – The investigation revealed that Officer Sweet used profanity while taking the suspect into custody. The UOFRB considered the use of profanity and determined the utterance was a single expletive. The UOFRB opined that it was a spontaneous, emotional response to a dynamic incident. Captain Stabile advised that this issue was addressed through divisional counseling. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

Audio/Video Recordings

- **Digital In-Car Video System (DICVS)** – Multiple police vehicles equipped with DICV responded to this incident. All were found to be of no evidentiary value as they did not capture the use of force.
- **Digital In-Car Video System (DICVS)/ Body Worn Video (BWV)** – Hollenbeck GED personnel were equipped with DICVS and BWV at the time of this incident. The foot pursuit and ensuing use of force were captured on Officers Smith and Sweet's BWV.
- **Outside Video** – No outside video surveillance captured the incident.

⁴⁰ Department Manual Section, 3/579.15 defines the objectives of BWV and the exceptions when sworn personnel are not required to activate and record investigative or enforcement encounters with the public. Department policy requires officers to activate their BWV devices during all in-custody transports.

INSPECTOR GENERAL REVIEW

Inspector General Analysis

Investigation Quality

- No significant issues of concern were identified in relation to investigation quality.

Training Issues

- No significant issues of concern were identified in relation to training.

Equipment Issues

- No significant issues of concern were identified in relation to equipment.

Detention

- The OIG noted that Officers Smith and Sweet expressed an intent to detain the suspect, as well as the individuals who were with the suspect, for violating the prohibition against loitering in the LAMC. In describing what led them to this intent, the officers indicated that they had observed the individuals seated on some concrete benches on the grounds of an MTA Gold Line train station.

Although Section 41.18 of the LAMC prohibits any person from sitting in or upon any street, sidewalk, or other public way, it also exempts from such prohibition “persons sitting upon benches or other seating facilities provided for such purpose by municipal authority...”⁴¹ While it is acknowledged that the officers’ ultimate detention of the suspect was both justified and unrelated to the act of loitering, the OIG recommends that the parameters of the prohibition against loitering in the LAMC be discussed with the involved officers.

Tactical De-Escalation

- The OIG concurs with the Chief’s analysis.

Inspector General Recommendations

Tactics

- The OIG concurs with the Chief’s findings.

⁴¹ City of Los Angeles Municipal Code, Chapter IV Public Welfare, Article 1 Disorderly Conduct Places and Publications, Section 41.18 Sidewalks, Pedestrian Subways – Loitering.

- In addition to the topics referenced by the Chief in his analysis of the involved officers' tactics, the OIG noted the following:
 - Officer Smith initiated contact with the suspect at the fence before Officer Sweet was in a position to assume the role of cover officer. This resulted in a brief period of time during which Officer Smith was engaged with the possibly-armed suspect, without the support of his partner in a covering role.⁴² The OIG recommends that the topic of Contact and Cover be addressed during the officers' Tactical Debrief.

Drawing and Exhibiting

- The OIG concurs with the Chief's findings.

Non-Lethal Use of Force

- The OIG concurs with the Chief's findings.



MARK P. SMITH
Inspector General

⁴² California POST Learning Domain 21, *Patrol Techniques*, Contact and Cover.